

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **DATE FILED:** _____

v. : **CRIMINAL NO.** _____

JEAN THELEMAQUE : **VIOLATIONS: 18 U.S.C. § 371**
(Conspiracy - 1 count)
18 U.S.C. § 1341
(Mail fraud - 2 counts)
18 U.S.C. § 2314
(Interstate
transportation of
stolen property - 1 count)
18 U.S.C. § 1344
(Bank fraud - 1 count)
18 U.S.C. § 2
(Aiding and Abetting)

INDICTMENT

THE GRAND JURY CHARGES THAT:

1. At all times material to this indictment, defendant JEAN THELEMAQUE lived at 2347 77th Avenue, Philadelphia and 194 E. Cheltenham Avenue, Philadelphia, in the Eastern District of Pennsylvania.

THE CONSPIRACY

2. From in or around May 1998 through in or about January 2001, in the Eastern District of Pennsylvania and elsewhere, defendant

JEAN THELEMAQUE

conspired and agreed with others known and unknown to the grand jury, to devise and intend to devise a scheme to defraud and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme to defraud, used the United States mails and caused the use of the United States mail, in violation of Title 18, United States Code, Section 1341.

MANNER AND MEANS

It was part of the conspiracy that defendant JEAN THELEMAQUE:

3. obtained at least seven motor vehicles that were insurance “turn overs,” in that the owners of the vehicles gave them to THELEMAQUE and falsely reported to the police and their insurance companies that the vehicles had been stolen, so that the insurance companies would reimburse the owners for any losses incurred as a result of the alleged thefts and would pay off outstanding loan and lease balances, causing the insurance companies to pay approximately \$130,000.00 in connection with these vehicles;

4. sold these vehicles to persons known to the grand jury with the understanding that they would alter, dismantle or otherwise dispose of the vehicles; and

5. caused the United States mails to be used to execute the scheme to defraud insurance companies, in that the owners of the vehicles mailed to the insurance companies various documents associated with their fraudulent loss claims, and the insurance companies mailed to finance or leasing companies and/or the owners of the vehicles checks as payment for the fraudulent loss claims.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its objects, the following persons performed the following overt acts within the Eastern District of Pennsylvania and elsewhere.

1. On or about May 22, 1998, in Philadelphia, Pennsylvania, defendant JEAN THELEMAQUE delivered to persons known to the grand jury in exchange for \$500.00 in cash, a 1994 Ford Mustang bearing vehicle identification number ("VIN") 1FALP4044RF103778, which he represented was an insurance turn over.

2. The registered owner of the 1994 Ford Mustang, whose identity is known to the grand jury, falsely reported that the car had been stolen, and filed a false theft claim with Allstate Insurance Company.

3. As a result of the false reports made by the registered owner of the car, Allstate Insurance Company in Ft. Washington, Pennsylvania, mailed to NAL Acceptance Corp. in Ft. Lauderdale, Florida, a check in the amount of \$11,423.09, representing the outstanding loan balance on the Ford Mustang, and mailed to the the registered owner a check in the amount of \$646.21, representing the owner's equity interest in the car.

4. On or about August 13, 1998, in Philadelphia and Cheltenham, Pennsylvania, defendant JEAN THELEMAQUE delivered to persons known to the grand jury in exchange for \$2400.00 in cash, a 1995 Mercedes Benz, VIN WDBHA28E4SF148646, which he represented was an insurance turn over.

5. The registered owner of the 1995 Mercedes Benz, whose identity is known to the grand jury, falsely reported that the car had been stolen and filed a false theft claim with insurer U.S. Fidelity and Guaranty Company.

6. As a result of the false reports made by the registered owner of the car, U.S. Fidelity and Guaranty Company in Baltimore, Maryland, mailed to the Mercedes Benz Credit Corporation in Dallas Texas, a check in the amount of \$17,640.25, representing the outstanding loan balance on the car, and mailed to the owner of the car a check in the amount of \$10,101.05, representing the owner's equity interest in the car.

7. On or about December 4, 1998, in Philadelphia, Pennsylvania, defendant JEAN THELEMAQUE delivered to persons known to the grand jury in exchange for \$3100.00 in cash, a 1996 Toyota Landcruiser, VIN JT3HJ85J1T0144309, which he represented was an insurance turn over.

8. The registered owner of the 1996 Toyota Landcruiser, whose identity is known to the grand jury, falsely reported that the car had been stolen and filed a false theft claim with insurer American International Group (AIG).

9. As a result of the false reports made by the registered owner of the car, AIG Claim Services in Farmington, Connecticut mailed to Toyota Motor Credit in Shelton, Connecticut a check in the amount of \$39,200.00, representing the outstanding lease balance on the car, and paid a car rental fee of \$1028.54, which the owner claimed was incurred as a result of the alleged theft.

10. On or about February 19, 1999, in Philadelphia, Pennsylvania, defendant JEAN THELEMAQUE delivered to persons known to the grand jury in exchange for \$2000.00 in cash, a 1998 Ford Windstar, VIN 2FMDA5142WBB30880, which he represented was an insurance turn over.

11. The registered owner of the 1998 Ford Windstar, whose identity is known to the grand jury, falsely reported that the car had been stolen and filed a false theft claim with

insurer USAA Insurance Company.

12. As a result of the false reports made by the registered owner of the car, USAA Insurance Company in San Antonio, Texas, mailed to the Ford Motor Credit Company in Charlotte, North Carolina, a check in the amount of \$17,145.00, representing the outstanding lease balance on the car.

13. On or about April 20, 1999, in Philadelphia, Pennsylvania, defendant JEAN THELEMAQUE delivered to persons known to the grand jury in exchange for \$750.00 in cash, a 1996 Volkswagen Jetta, bearing VIN 3VWSA81H3TM051015, which he represented was an insurance turn over.

14. The registered owner of the 1996 Volkswagen Jetta, whose identity is known to the grand jury, falsely reported that the car had been stolen and filed a false theft claim with insurer Nationwide Mutual Insurance Company.

15. As a result of the false reports made by the registered owner of the car, Nationwide Mutual Insurance Company in Ft. Washington, Pennsylvania, mailed to PNC Leasing Corporation in Pittsburgh, Pennsylvania, a check in the amount of \$11,132.00, representing the outstanding lease balance on the car.

16. On or about July 20, 2000, in Philadelphia, Pennsylvania, defendant JEAN THELEMAQUE delivered to persons known to the grand jury in exchange for \$200.00 in cash, a 1998 Dodge Intrepid, VIN 2B3HD56J6WH123604, which he represented was an insurance turn over.

17. The registered owner of the 1998 Dodge Intrepid, whose identity is known to the grand jury, falsely reported that the car had been stolen and filed a false theft claim with insurer Auto Owners Insurance Company.

18. As a result of the false reports made by the registered owner of the car, Auto Owners Insurance Company in Royal Oaks, Michigan, mailed to Chrysler Financial Company in Royal Oaks, Michigan, a check in the amount of \$16,709.90, representing the outstanding lease balance on the car.

19. On or about January 24, 2001, in Springtown, Pennsylvania, defendant JEAN THELEMAQUE delivered to persons known to the grand jury in exchange for \$400.00 in cash, a 1996 Dodge Caravan, VIN 2B4FP2536TR815167, which he represented was an insurance turn over.

20. The registered owner of the 1996 Dodge Caravan, whose identity is known to the grand jury, falsely reported that the car had been stolen and filed a false theft claim with insurer Allstate of Canada.

21. As a result of the false reports made by the registered owner of the car, Allstate of Canada in Quebec, Canada, mailed to the owner of the Dodge Caravan in Quebec, Canada a check in the amount of \$8300.00 in Canadian dollars, representing the owner's interest in the car and the outstanding lease balance on the car.

In violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 of Count 1 and paragraphs 1 through 3 of the overt acts set forth in Count 1 are realleged here.

2. On or about June 23, 1998, in the Eastern District of Pennsylvania and elsewhere, having devised and intended to devise the scheme to defraud the Allstate Insurance Company, defendant

JEAN THELEMAQUE

for the purpose of executing this scheme, and attempting to do so, knowingly caused to be delivered by U.S. mail, according to the directions thereon, a check in the amount of \$11,423.09, from Allstate Insurance Co., 1301 Virginia Drive, Ft. Washington, Pennsylvania, 19034, to NAL Acceptance Corp., P.O. Box 8367, Ft. Lauderdale, Florida, 33310.

In violation of Title 18, United States Code, Section 1341.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 of Count 1 and paragraphs 13 through 15 of the overt acts set forth in Count 1 are realleged here.

2. On or about June 11, 1999, in the Eastern District of Pennsylvania and elsewhere, having devised and intended to devise the scheme to defraud Nationwide Mutual Insurance Co., defendant

JEAN THELEMAQUE

for the purpose of executing this scheme, and attempting to do so, knowingly caused to be delivered by U.S. mail, according to the directions thereon, a check in the amount of \$11,132.90, from Nationwide Mutual Insurance Co., 414 Commerce Drive, Ft. Washington, Pennsylvania, 19034, to PNC Leasing Corp., 2730 Liberty Avenue, Pittsburgh, Pennsylvania, 15222.

In violation of Title 18, United States Code, Section 1341.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 7, 2002, in the Eastern District of Pennsylvania and elsewhere,
defendant

JEAN THELEMAQUE

did knowingly and unlawfully transport, and cause to be transported, and aided and abetted the transportation of, in interstate commerce, from Courtesy Toyota of Brandon, 9210 E. Adamo Drive, Tampa, Florida, to Thompson Motors in Springtown in the Eastern District of Pennsylvania, goods and merchandise with a value in excess of \$5,000, namely, one 2000 Toyota Avalon, VIN 4T1BF28B8YU090393, knowing the same to have been stolen, converted and taken by fraud from Courtesy Toyota.

In violation of Title 18, United States Code, Sections 2314 and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to this indictment, the PNC Bank was a financial institution organized and operating under the laws of the United States whose deposits were insured by the Federal Deposit Insurance Corporation.

2. In or about May 2001, in the Eastern District of Pennsylvania and elsewhere, defendant

JEAN THELEMAQUE

knowingly attempted to execute a scheme to defraud a federally insured financial institution, and to obtain monies owned by and under the care, custody, and control of the Bank by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. It was part of the scheme that defendant JEAN THELEMAQUE, along with a person whose identity is known to the grand jury, R.J., prepared and caused the preparation of two counterfeit checks totaling approximately \$45,600.00, and provided these checks to persons known to the grand jury, made payable in names supplied by the persons known to the grand jury, with the understanding that the checks would be deposited into a bank account of a person known to the grand jury, and that the funds would be withdrawn from the account and divided up among defendant JEAN THELEMAQUE and others involved in the scheme.

4. On or about June 4, 2001, defendant JEAN THELEMAQUE and R.J. attempted to negotiate and cause the negotiation of a counterfeit check in the amount of \$22,800.00, drawn on the account of the Keystone Insurance Company with PNC Bank, account

no 8511029581, dated May 16, 2001, bearing check no. 1637768, by presenting the check to persons known to the grand jury for deposit into an established bank account.

5. On or about June 4, 2001, defendant JEAN THELEMAQUE and R.J. attempted to negotiate and cause the negotiation of a counterfeit check in the amount of \$22,800.00, drawn on the account of the Keystone Insurance Company with PNC Bank, account no 8511029581, dated May 16, 2001, bearing check no. 1637770, by presenting the check to persons known to the grand jury for deposit into an established bank account.

In violation of Title 18, United States Code, Section 1344.

A TRUE BILL:

FOREPERSON

PATRICK L MEEHAN
United States Attorney